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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,378	09/17/1999	LEONARD CORNING LAHEY	BO9-99-030	1012

24033 7590 08/23/2004
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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/398,378

Applicant(s)

LAHEY ET AL.

Examiner

Susanna M. Diaz

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive (see attachment).
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-36.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Susanna M. Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU.3623

Attachment to Advisory Action (dated August 17, 2004)

On page 17 of Applicant's response, Applicant requests that Examiner point out specific sections of the reference that disclose the claim limitations. Applicant cites 37 CFR 1.104(c)(2), "When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." The Examiner asserts that the Saito reference used in the art reference is neither complex nor does it describe inventions other than that claimed by the applicant; therefore, it is not necessary that the Examiner point out specific sections of the reference that disclose the claim limitations.

Applicant argues:

...each status describes a stage of processing in a work flow. For example, the status of a job may be ready, print, format, etc...Also, each work process that is associated with one status is an application program...Each job identified in the job status table comprises an entity on which work is performed under computer operation such as processing data, generating output materials, forwarding data to another location for further processing, printing, working on a material or device, etc...Thus, the job status table identifies the jobs to be processed by multiple work processes. On the other hand, the Saito patent uses multiple tables, rather than one job status table. The use of a queue, a work management table, and a task definition table do not anticipate Applicants' claimed use of the job status table. Moreover, the claimed invention describes jobs processed by work processes (application programs), which is not anticipated by the Saito patent's description of tasks that are performed by individuals. (Page 29 of Applicant's response)

Saito teaches various examples of status tables, including the task definition table depicted in Fig. 2. The Infringement Countermeasure job comprises the tasks, or

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processes, listed in the task definition table (i.e., investigation, judgment, and countermeasures). The Input Document and Output Document columns define start and end statuses for each process. For example, the Investigation process commences with the input of an Infringement Report and terminates with the output of an Infringement Record. Once the Infringement Record is generated by the Investigation process, the Judgment process is triggered since its first status condition requires the input of the Infringement Record output by the Investigation process. Furthermore, the fact that "the claimed invention describes jobs processed by work processes (application programs)" (as asserted by the Applicant) does not preclude any human intervention with the work processes. Saito's invention utilizes a computer system to manage projects executed by humans (abstract). The computerized monitoring of the status of each task and process itself represents a work process that is an application program. Furthermore, monitoring of the status of a document requires that the document be electronically linked to the relevant tasks and processes, thereby indicating that the document itself is processed electronically at some stage, i.e., by an application program.

Applicant argues:

...First, the Saito patent describes notifying a user, which does not anticipate notifying a work process (application program). Second, the Saito patent describes a notification message with a link to a document, which does not anticipate notifying that a job had its status changed. (Page 20 of Applicant's response)

Saito specifically states that the "workflow management unit performs transition and activation of a business phase included in a process definition, sets a work in work management table, and issues a task addition request" (abstract). Again, the various tasks are controlled at the level of the automated workflow management unit. Even if there is human intervention in performance of the tasks, there must be some level of electronic processing and notification since it is the automated workflow management unit that performs all status monitoring and notification.

As per claim 10, Applicant argues that "the description of links does not show teach [sic] that a data file is altered by one work process and transmitted to an output device by another work process" (page 21 of Applicant's response); however, Applicant provides no support for this assertion. As stated in the art rejection, the Examiner maintains that "figure 5 and column 7, lines 21-25 [of Saito] teach that a document is input in one format and is later used to output a document in another format, which exemplifies alteration of the format of a data file."

Regarding the limitations concerning what occurs when an error status is detected, the Applicant broadly traverses the rejection stating that "Applicants' are claiming a particular technique for error processing that is not taught or suggested by any prior art" (Page 22 of Applicant's response). Applicant provides no support for this assertion; therefore, Applicant's argument is not persuasive and the Examiner maintains her position regarding the limitations in question.

In conclusion, Applicant's arguments are not persuasive and the art rejections are maintained.